

But if we are to pass an agricultural workers bill, let it be one that helps those who have contributed to our society and one that will not cause great harm to our Nation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I was looking on our desks at the bill that is actually supposed to be the subject of this debate. It is 231 pages long. It provides an emergency appropriation to help pay for our ongoing global war on terror. I remind my colleagues that is the stated purpose for this Senate time.

Indeed, last week 60 of my colleagues joined me in saying that national security demands the passage of this bill unencumbered by a premature debate on immigration reform.

Listening to our colleague from Alabama and others who have spoken to this subject, we are getting a better sense of how complicated this issue is and why it is so important, as 61 of us said last week, that we proceed with this emergency appropriation for the ongoing global war on terror and reserve enactment of comprehensive immigration reform for a few months hence, after we have had a chance to go through the appropriate committees of the Congress, the Subcommittee on Immigration, Border Security, and Citizenship that I chair in the Judiciary Committee. Chairman SPECTER of the full committee has promised an expedited markup once we are able to go through the regular order and develop a comprehensive plan.

Notwithstanding the sense of the Senate by 61 Members that we should not engage in this premature debate and risk bogging down this important bill to provide financing to our troops in the battlefield, here we are.

What is it that the problem of this bill, the so-called AgJOBS amendment, seeks to fix? I suggest it does not purport to fix our porous borders. It does nothing to provide additional resources to our beleaguered Border Patrol and others who are doing the very best they can to try to secure our borders. We know not only do people come across those borders to work, but the same people who will smuggle those workers across the border are the same people who can smuggle terrorists or criminals or others who want to do us ill across those borders. So AgJOBS, just so everyone understands, does not purport to deal with that problem.

Does this bill purport to deal with another glaring deficiency we have; that is, a lack of detention facilities for those people our Border Patrol do catch and detain at the border so we do not have to continue in what is sometimes called a catch and release program where detainees, people who cross illegally are detained but because we do not have adequate facilities are released and they merely try again, and perhaps try and try and try until they finally make their way across the border and into the interior of the United

States and simply melt into the landscape? This bill does not have anything to do with that. It will not fix that problem. Nor does this bill provide additional resources and equipment to our Border Patrol who, as I indicate, are outmanned and under-equipped.

This AgJOBS amendment, nor the alternative offered by Senator CHAMBLISS and Senator KYL, does not purport to deal with the problem of 40 percent of the illegal immigration in this country coming from overstays. By that I mean people who come here legally on a student visa or a tourist visa or some other short-term legal authorization but simply blow past that deadline and, here again, become part of that population estimated to be somewhere on the order of 10 million people—although we really do not know—who are currently living in the United States outside of our laws. This bill does not purport to even address that.

It does not do a better job of helping identify who is in our country and why they are here, why they chose to come outside of our laws and live in the shadows. It does not help us do a better job of identifying them and asserting what their purposes are in our country—whether they are criminals, whether they are potential terrorists, or whether they are people coming here simply to work.

This AgJOBS bill also does not deal with the difficulty involved with employers who want to try to ascertain the legal status of their workforce. It does not help them by providing them a database of workers who are lawfully in the country and who are authorized to accept employment. So employers have to persist in doing the best they can in trying to fill the jobs that go wanting for lack of workers by hiring people they perhaps do not know but would have to admit, perhaps in private conversations, are people who are here illegally outside of our laws. This bill does not help them one bit. This bill does not provide a database of workers who are actually authorized to work and who are legally present in the country.

My point is, there are a lot of problems that confront our national security, a lot of problems that confront our immigration system that need to be addressed that are not addressed in this legislation. To the contrary, rather than trying to address immigration reform comprehensively, rather than trying to improve our border security, our homeland security, by knowing who is in our country and why, rather than providing us a better means of identifying those who, although they begin in this country legally, overstay their time and become part of the population that is here illegally, rather than help employers, this bill does none of that. Instead, what it does is it deals with one segment of the industry that has grown to depend on undocumented workers, and that is the agriculture industry.

While I am sympathetic to their concerns, the problem is that it is only one

of the industries that relies on undocumented workers. You could as easily file a bill and rather than call it an AgJOBS bill, you could call it a restaurant workers bill, or a residential construction workers bill, or a hotel workers bill, or any one of the number of different industries that has, over time, grown to depend on approximately 6 million people who constitute the illegal workforce currently in the United States.

This bill does not purport to deal with any of those other industries and thus chooses one over the other in a way that I think violates one of the fundamental principles of American law, and that is that persons similarly situated ought to be treated as equally as possible and not in any favorable or discriminatory fashion.

So I think this bill, as premature as it is, as well intended as it may be, does not help us solve a lot of the problems that can only be addressed by comprehensive immigration reform. It actually does harm by violating some of our basic principles of equal justice under the law. It is important we deal with these problems.

I failed to mention one of the problems is we have approximately 400,000 absconders present in the country now and we simply do not have the adequate human or other resources necessary to find out where they are and to show them the way out of the country. Among these absconders, unlike the rest of the population I mentioned, the some 10 million people, are individuals who have been convicted of serious crimes, about 80,000 of them, and who simply have melted into the landscape. As I say, we have about 400,000 absconders, including those 80,000, the difference being those who have simply exhausted all means of appeal and review in our immigration system, who are under final orders of deportation, but who, rather than be deported, have simply gone underground. Here again, this is another issue this bill does not deal with that comprehensive immigration reform would and that we should.

What I fear will happen, because it may be tempting to try to fix our immigration problems on a piecemeal basis, is piecemeal solutions and efforts will risk undermining the larger effort and the need to enact comprehensive reform. Indeed, I would venture a guess that if the AgJOBS bill were successful, or even if the alternative offered by the Senator from Georgia and the Senator from Arizona were to be successful, there would be many in this Chamber, and perhaps around this country, who would say: OK, now we have finished that job. We do not need to look at any further immigration reform.

The only problem with that is they would be wrong, given the glaring problems that do exist in our country and the challenges to our national security and our ability to look ourselves in the mirror and say, yes, we are a nation of laws, when, in fact, we have such lawlessness existing among us for any one